

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Francisco Hernandez 19-09-202
(Name of Plaintiff) (Inmate Number)

99 water st. Wilkes-Barre PA 18702
(Address)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) Correctional Officer Paul Richards

(2) Sgt. Alford

(3) LT. Kane
(Names of Defendants)

(Each named party must be numbered,
and all names must be printed or typed)

1:20-CV 1161
(Case Number)
ccc/ca

FILED
HARRISBURG, PA

JUL 03 2020

Per AAA
Deputy Clerk

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

2017-2018 in the State of Virginia the rest of the
Information is unknown at the time

Received in Supreme Court

JUL 01 2020

Middle

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? I Filed numerous of Request and
Grievances
 2. What was the result? Unanswered one of the Request was
answered but to no avail for the answer refused to
allow me to call internal Affairs and grievance was never returned
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

(1) Name of first defendant: Paul Richards

Employed as Correctional officer at Luzerne County Correctional Facility
Mailing address: 99 water st Wilkes-Barre PA 18702

(2) Name of second defendant: Alford

Employed as Sergeant at Luzerne County Correctional Facility
Mailing address: 99 water st Wilkes-Barre PA 18702

(3) Name of third defendant: Kane

Employed as Lieutenant at Luzerne County Correctional Facility
Mailing address: 99 water st Wilkes-Barre PA 18702

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. On June 4th, 2020 at approx 12:10pm-12:59pm Correctional
officer Paul Richards came on pod L1 to cell 2 stating get
off the phone you've been on it for an hour, I responded

by telling him I've only been on the phone for 5 minutes

2. Whereupon he (Paul Richards) unplugged the phone and started wrapping up the phone cord. I grabbed the phone and requested a Sgt. or Lt., since everyone else was granted their full phone time, but me. Subsequently, C/o Paul Richards then aggressively
3. snatched the phone, once he realized I was still holding the phone while requesting a Sgt. Commander; He then began to maliciously 'Beat' me with the WD63GII-WZ "Extension Cord plug" while yelling, 'Let go you fucking monkey etc.' while threatening

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I will like ^{damages} Compensatory ~~and~~ in excess amount of \$14,000 and punitive damages in excess of \$2,000
2. I will like a Keep separate against me and all the parties involve and For me to be transferred to another Jail
3. I will like Paul Richards to receive disciplinary actions

Statement of Claim

To impact me with the OC pepper spray. Which then resulted with my right pointer finger being severely swollen, along with Blood clots & numerous lacerations. Subsequently an 'All Available' was then called and the following Correctional Officers responded Plus some whom I can't recall: C/o Hall, C/o Jones, C/o Sweet, C/o Scotty, C/o Bush, including the caller Paul Richards. On arrival the following Officers above began to taunt me stating, 'we've been waiting for you to act up, so don't make us come in there and beat you to death. This all was being done while I continuously requested a SGT. or Lt., Plus medical to come to my Aid. Subsequently, SGT. Alford arrived and inquired as what had taken place, I had explained to Him what C/o Paul Richards had done to me. He then asked Paul Richards if my words were true, which he then admitted to, but tried to justify his actions which weren't justifiable. Subsequently, Lt. Kane arrived and told me to BE placed in restraint cuffs, I then stated "I will only allow you to cuff me, because your officers Harassed me and I don't trust them". Upon me being cuffed with full Cooperation, I was then placed in the 'Dry Cage'; where then SGT. Alford called Medical to come assist my injuries. My injuries were not taken into account or Documentation, and the lesser attempt was taken during treatment to conceal my wounds. Even though I kept requesting for them to do so. Subsequently, I was placed back in my cell with witness Israel Z. Berrios; where I then continued to ask for more in depth Medical attention due to severe pain and a tingling uncomfortable feeling. I was continuously denied, @ 1500 hrs. Second shift came and I was still requesting medical, and finally C/o P. called the nurse station, where then a nurse arrived

With an ibuprofen / Reduce Swell pill, and then stated 'I will call the doctor and let him know' with lack of emotion or care. I was then left in severe pain and discomfort, until the overnight shift came. I then asked another Correctional Officer name non applicable, to call medical and I explained to him why my hand was the way it was. Approximately 20 minutes later a kind female nurse came, and observed my wounds attentively and with care; while stating it looked broke, and that she would let the doctor know to schedule me for x-rays. SHE ALSO GAVE ME another pill for pain and swelling.

*This is a direct account of what took place in the Dates listed, and I ask that it be taken with severe attention, for Constitutional Rights were violated.

Francisco Hernandez

I declare under penalty of perjury that the foregoing is true and correct.

Signed this June day of 16th, 2020.

Francisco A. Hernandez
(Signature of Plaintiff)

INMATE REQUEST FORM

PRINT ALL INFORMATION

NAME: Hernandez, Francisco

DATE: 6-16-20

MODULE & CELL NUMBER: L2 Cell 17

ADMISSION DATE:

I REQUEST TO SEE: (PLEASE CIRCLE BELOW)

WARDEN	Can I get a print out of the last 6 months of my inmate account for court purposes
DEPUTY WARDEN	
CAPTAIN	
LIEUTENANT	
SERGEANT	
CORPORAL	Thank You
PREA COORD	
RECORDS	
TREATMENT COORD	
COUNSELOR	
WORK RELEASE	
CHAPLAIN	
D&A THERAPIST	
PSYCH DEPT	
MEDICAL	
PUB. DEFENDER	
LIBRARIAN/NOTARY	
BONDSMAN	
TEACHER	
OTHER	

DO NOT WRITE BELOW THIS LINE

DATE REQUEST ANSWERED:

ANSWER:

REFERRAL SENT TO:

DATE RETURNED TO INMATE:

SIGNATURE OF STAFF:

MODULE/CELL:

Received in Supreme Court

JUL 01 2020

Middle

[illegible]

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed in forma pauperis. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. **Check here if you are submitting the filing fee with the complaint form.** _____

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. **Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.** ✓

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

Received in Supreme Court
JUL 01 2020

Francisco Hernandez
99 Water St.
Wilkes-Barre PA 18702

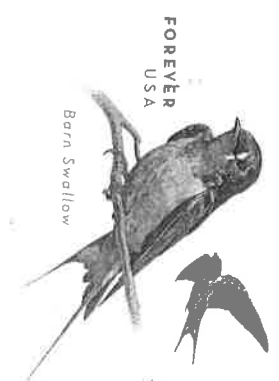
Received in Supreme Court

JUL 01 2020

WILKES

This correspondence is from a county correctional facility and the sender is an inmate. The contents have not been checked. Luzerne County Correctional Facility is not responsible for the contents or for debts.

Supreme Court
601 Commonwealth Ave
#4560
Harrisburg PA 17130



OPENED BY CMPC